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1a. 1 of 13 copies. Series A.

DEPARTMENT OF STATE

Memorandum of Conversation

DATE: July 8, 1959

10:30 a. m.

SUBJECT: Berlin Contingency Planning -  
Surface Access Identification and Checkpoint Procedures

PARTICIPANTS: Mr. Donald A. Logan, First Secretary, British Embassy  
Mr. Martin J. Hillenbrand, GER  
Mr. Thomas L. McKiernan, GPA

COPIES TO:

G	- Mr. Murphy	BNA	- Mr. Swihart
EUR	- Mr. Merchant	GER	- Mr. Hillenbrand
EUR	- Mr. Kohler	GPA	- Mr. McKiernan (3)
L	- Mr. Becker		
L/EUR	- Mr. Kearney		
S/P	- Mr. Morgan		
S/S-RO	- Mr. Duemling (2)		

Mr. Logan called, on the instructions of the Foreign Office, to discuss one aspect of the recommendations of the Three Embassies at Bonn for surface access identification and checkpoint procedures (see BERCON-TRI D-2, June 29). The British, he said, would still prefer, even in a situation in which no modus vivendi (e.g., along the lines of the Western proposal of June 16) was negotiated with the Soviets and in which the Soviet Union did not acknowledge East German checkpoint personnel to be its agents, to follow with the East Germans precisely the same procedures we now follow with the Soviets. The British therefore may not be able to give Government approval to the procedures recommended by the Three Embassies for such a situation.

Mr. Logan believed that the British had been on the verge of approving the Three Embassies' recommendations until Secretary Herter had discussed the matter with Foreign Minister Lloyd and until Mr. Becker's view that stamping of movement orders by the East Germans would not involve recognition of the GDR had been brought to their attention.

Mr. Hillenbrand

- 1/ These procedures would differ from the procedures now followed by the Soviets principally by avoiding the stamping of movement orders by the East Germans. Movement orders would be prepared in multiple copies, one copy being handed over at each checkpoint. The East Germans might do whatever they wanted with the copies; the movement would proceed on the basis of possession of the original leaf of the movement order.

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- 2 -

Mr. Hillenbrand and Mr. McKiernan explained that the American Embassy at Bonn has already been informed of United States approval of the recommended procedures (see Department's telegram No. 10 to Bonn, July 1) and that Mr. Murphy would probably inform the British and French Ambassadors to that effect during the July 10 meeting. These recommendations, they reminded Mr. Logan, had been worked out over a period of seven months and represented a compromise between the original British view that we should continue present procedures unchanged and a contrary view, widely held in the Departments of State and Defense, that we should have no dealings on access whatsoever with the East Germans. This compromise had appeared generally acceptable, and only the formality of Government approval was required.

Mr. Hillenbrand and Mr. McKiernan also remarked that it appeared from Mr. Logan's introductory remarks that Secretary Herter's comments to Mr. Lloyd may have been misinterpreted, for they were apparently meant to apply to a situation in which some modus vivendi involving Soviet/East German acceptance of existing access arrangements was negotiated rather than to a situation in which no understanding was reached and in which the Soviet Union rejected the concept of East German checkpoint personnel as its agents.

With respect to the legal point raised by Mr. Logan, Mr. Hillenbrand and Mr. McKiernan pointed out that it had never been the United States view that stamping of movement orders involved recognition of the GDR and that the objections to stamping were based on other considerations, principally the need to satisfy public opinion and to persuade the East Germans that the Three Powers had not merely accepted the substitution of the GDR for the Soviet Union in matters related to Allied access. As far as the legal position is concerned, one might also ask the question whether the Three Powers were required to present any documentation at all to the East Germans; the answer, if one drew the logical conclusions from the Three Powers' statements of their rights, would probably be no.

Mr. Logan took note of these comments and said that he did not believe Ambassador Caccia would wish to raise the matter in the July 10 meeting. However, Mr. Logan stressed that he did wish to bring the British views, as described in the first paragraph above, to the Department's attention and that the British Embassy hoped to have the Department's further comments in due course.

EUR:GER:GPA:TDM:McKiernan:eav  
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